

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RHONDA GIMBEL,

Plaintiff,

-against-

AMERICAN EXPRESS, et al.,

Defendants.

24cv08371 (CM) (RFT)

ORDER

ROBYN F. TARNOFSKY, United States Magistrate Judge:

I held a discovery conference on June 6, 2026 to address Plaintiff's motion for discovery (ECF 24). Plaintiff indicates that Defendant failed to comply with my prior order (ECF 20), in that Defendant failed to identify its PMK by May 23, 2025; Plaintiff further argues that Defendant has not adequately responded to its three sets of document requests, and that in particular, Defendant has failed to produce Plaintiff's electronic application, documents relating to the transaction in question, and Defendant's relevant policies and procedures. Defendant responded that she has been diligently searching for the documents in questions and trying to identify Defendant's PMK. Defendant is admonished that if it is unable to comply with a Court order, it is required to request an extension – the adage that it's better to apologize than ask permission does not apply in this context.

Defendant is ORDERED, by **June 13, 2025** to 1) produce all non-privileged responsive documents sought by Plaintiff or to submit a letter stating that it has been unable to locate those documents; 2) identify the PMK and schedule his or her deposition; and 3) file a letter on the docket indicating whether Defendant believes that a settlement conference at this time would be productive. Additionally, Plaintiff's first and second letter-motions for a conference (ECF 13, 17) are denied as moot.

The Clerk of Court is respectfully requested to terminate **ECF 13, 17, and 24**.

DATED: June 6, 2025
New York, NY

SO ORDERED.



ROBYN F. TARNOFSKY
United States Magistrate Judge